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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,010	12/21/2001	Steven R. Soltis	2451	2392

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Beck & Tysver, P.L.L.C.  
Suite 100  
2900 Thomas Avenue South  
Minneapolis, MN 55416

EXAMINER

PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/028,010	<b>Applicant(s)</b> SOLTIS, STEVEN R.	
	<b>Examiner</b> Chirag R. Patel	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 56, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-55 and 60-62 is/are allowed.
- 6) ☒ Claim(s) 56, 58 and 59 is/are rejected.
- 7) ☒ Claim(s) 57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

Applicant's arguments, see pages 13-19, filed February 21, 2006, with respect to claims 1-55 have been fully considered and are persuasive. The rejections of claims 1-55 have been withdrawn.

***Allowable Subject Matter***

Claims 1-55, and 60-62 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose upper level component that communicates with application programs, the upper level component submitting all file write requests to the remote component and submitting at least some file read requests to the local component. Claims 17, 34, and 46 is similar scope in that it claims upper level file system dividing the file requests from the application program between the remote file system and the local file system.

***Claim Objections***

Claim 57 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 56 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (Admission).

As per claim 56, Admission discloses a system handling read and write file requests from an application, the read and write requests relating to real-data, the system comprising:

- a) a client computer; (Figure 2; item 122, San Client)
- b) a server computer; (Figure 2: item 124, San Server)
- c) a SAN-attached storage device for storing the real-data, the SAN-attached storage device being connected to the client computer and the server computer via a storage area network; (Figure 2: item 126)
- d) client software on the client computer that receives read and write file requests from the application, wherein the client software
  - i) submits write file requests and the related real-data to the server via local area network protocols, and ([0036])
  - ii) receives real-data relating to the read request directly from the SAN-attached storage device; and (Figure 2: item 132, [0045])
- e) server software on the server computer, wherein the server software

i) receives the write requests and the related real-data from the client computer, and ([0036], Figure 1: item 116)

ii) submits real-data related to the write requests to the SAN-attached storage device for storage. ([0036], Figure 1 item 116)

As per claim 58, Admission discloses the system of claim 56, wherein the client software submits all write requests to the server and receives real-data relating to all of the read requests directly from the SAN-attached storage device. ([0036], [0045], Figure 1: item 116, Figure 2: item 132)

As per claim 59, Admission discloses the system of 56, wherein the client software submits all write requests to the server using local area network protocols passed by physical connections forming the storage area network. ([0057])Figure 1: items 106, 116)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kazar et al. (US 2002/0112022) discloses handling file level and block level remote file access, however does not disclose the upper level component submitting all file write requests to the remote component and submitting at


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least some file read requests to the local component. A close review of these references is recommended.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R. Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER